AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Presently Amended) A method for <u>overlaying</u> ~~incorporating a graphic~~ <u>an image upon</u> ~~with~~ a received broadcast video displayed on a display device comprising:

inputting at least one <u>viewer-generated</u> instruction corresponding to a graphic data into an input device;

storing said at least one <u>viewer-generated</u> instruction in said input device;

transmitting <u>in real time</u> said graphic data corresponding to said at least one <u>viewer-generated</u> instruction from said input device to a remote server, said server being operatively coupled to at least one remote display interface of the display device and being further coupled to at least one display adapted to display said graphic data on said display device; and

selectively transmitting said graphic data corresponding to said at least one <u>viewer-generated</u> instruction from said remote server to said at least one display interface wherein said at least one display interface overlays <u>in real time an image corresponding to</u> said graphic data on the received video broadcast displayed on said display device <u>in real time</u> to create a ~~combined~~ <u>real time simultaneous display of said received broadcast</u> video <u>combined with</u> ~~and~~ <u>said overlayed image corresponding to said</u> graphic data ~~so that both the graphic data and the received broadcast video are simultaneously displayed~~ on the display device.

2. (Presently Amended) The method of claim 1 wherein said at least one <u>viewer-generated</u> instruction includes destination address information and the step of transmitting said graphic data includes the step of transmitting the graphic data to a remote server operatively coupled to at least one remote display interface corresponding to said destination address.

3. (Original) The method of claim 2 further comprising a plurality of remote display interfaces arranged in a peer-to-peer network.

4. (Presently Amended) The method according to claim I wherein said at least one <u>viewer-generated</u> instruction comprises a stylus input on a touch screen device.

5. (Presently Amended) The method according to claim 1 wherein said input device comprises a handheld radio frequency remote control ~~wireless communication device~~.

6. (Original) The method according to claim 1 wherein said remote server comprises an Internet server.

7. (Original) The method according to claim 1 wherein said remote server comprises an addressable set-top box.

8. (Original) The method according to claim 1 wherein said display interface comprises a set-top box adapted to overlay graphic images on a received video broadcast displayed on a display device.

9. (Presently Cancelled) ~~The method according to claim 1 wherein said remote server and said display interface comprise a Personal Video Recorder adapted to at least one of receive, overlay, record and selectively playback said graphical data on a received video broadcast for display on said display device.~~

10. (Original) The method according to claim 1 wherein said at least one display device comprises one of a television and a monitor.

11. (Presently Amended) An apparatus for the transmission of graphical data to a remote device comprising:
an input module, said input module adapted to receive and store graphical data input by a user; and
a communication module, said communication module adapted to transmit in real time said graphical data received by said input module;
a remote server operatively coupled to the communication module for receiving the graphical data; and
at least one display device having a display interface operatively coupled to the remote server, said display device being adapted to display a received video broadcast and said graphical data, wherein in response to at least one user instruction said graphical data is received by said input module, said communication module transmits said graphical data to said remote server, said

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remote server transmits said graphical data to said display device interface, wherein said display interface overlays said graphical data on the received video broadcast displayed on said display device to create a <u>real time simultaneous overlaid display of said received</u> ~~combined~~ video <u>broadcast</u> and ~~graphic so that both~~ the graphic data ~~and the received broadcast video are simultaneously displayed~~ on the display device.

12. (Previously Presented) The apparatus of claim 11 wherein said graphical data includes destination address information of the display device and said remote server transmits said graphical data to the display device corresponding to the destination address.

13. (Previously Presented) The apparatus according to claim 11 wherein said input module comprises a touchscreen user interface adapted to receive a stylus input.

14. (Previously Presented) The apparatus according to claim 11 wherein said remote server comprises an addressable set-top box.

15. (Currently Amended) The apparatus according to claim 11 wherein said input and communication modules are comprised by a ~~wireless~~ handheld <u>radio frequency remote control</u> ~~device~~.

16. (Previously Presented) The apparatus according to claim 11 wherein said remote server comprises an Internet server.

17. (Previously Presented) The apparatus according to claim 11 wherein said communication module comprises a cable modem.

18. (Previously Presented) The apparatus according to claim 11 wherein said remote server comprises a computer.

19. (Previously Presented) The apparatus according to claim 11 wherein said communication module comprises a wireless modem.

20. (Previously Presented) The apparatus according to claim 11 wherein said display interface comprises an addressable set-top box.

21. (Previously Presented) The apparatus according to claim 11 wherein said graphical data comprises at least one of a manually described line, text, and a symbol.

22. (Presently Cancelled) ~~The apparatus according to claim 11 wherein said remote server and said display interface comprise a Personal Video Recorder adapted to at least one of receive, overlay, record and selectively playback said graphical data on a received video broadcast for display on said display device.~~

23. (Presently Cancelled) ~~A method for incorporating a graphic with a received broadcast video displayed on a display device comprising:~~
~~receiving at a remote server a graphic data corresponding to at least one instruction from an input device, said server being operatively coupled to at least one display device adapted to display said graphic data thereon; and~~
~~selectively transmitting said graphic data from said remote server to said at least one display device wherein said at least one display device overlays said graphic data on the received video broadcast displayed on said display device to create a combined video and graphic so that both the graphic data and the received broadcast video are simultaneously displayed on the display device.~~

A. Status of the Application

With this response, Applicant cancels Claims 9, 22 and 23.

Claims 1-8 and 10-21 are presently pending in the application.

The Applicant has requested the amendment of Claims 1, 2, 4, 5, 11 and 15.
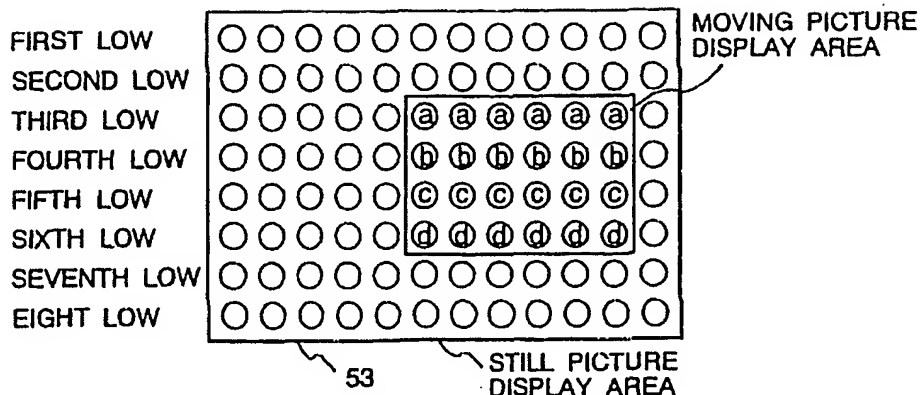
B. Rejections of the Claims under 35 U.S.C. § 103

i) The Examiner rejected claims 1, 2 and 4-23 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,593,973 ("Sullivan") in view of U.S. Patent No. 5,848,356 ("Jambhekar"), and further in view of European Patent Document 0 852 371 A1 ("Akioka").

The Examiner contends that Sullivan discloses all of the elements of the claims at issue, except for an input device adapted to receive, to store an instruction corresponding to a graphic data and to transmit graphic data to a remote server, and the simultaneous real time overlaying of graphic data on a broadcast video image. The Examiner cites Jambhekar as providing this missing teaching with respect to the input device, and De Haan for the overlaying of the graphic data. The Examiner also maintains that it would have been obvious to one of ordinary skill in the art to combine all of the references.

The Applicants submits that Claims 1-2 and 4-23, as amended, are patentable over Sullivan, Jambhekar and Akioka. Putting aside the issue of whether or not it would have been obvious to combine the references, the Applicant submits that any combination of cited references would not result in the presently claimed invention. Sullivan fails to disclose simultaneously overlaying a graphic upon a video image being displayed on a display device, teaching instead a method for *sequentially replacing* a video signal with an alternate source during a transition from one video source to another video source. Sullivan notes that such replacing must occur during a transition period to take advantage of an otherwise blank screen caused by such a transition. Granted, Sullivan refers to the replacing process as "overlaying", but in fact it is simply replacement and not overlaying as claimed in the Applicant's invention. The Examiner relies on Jambhekar is relied upon by the Examiner primarily for the its disclosure of a user interface and input means (directed to a mobile telephone application, not broadcast video), and the Examiner notes that "the combination of Jambhaker and Sullivan fails to teach both the graphic data and received broadcast video simultaneously displayed on the display device..." Applicant concurs.

Akioka is then relied upon by the Examiner for overlaying graphic data; respectfully, the Applicant maintains otherwise. The Examiner referenced "still image data, text data, figure information and icon and window data" as the types of data that Akoka "overlays" on moving picture (not broadcast) video. However, as discussed in col. 4, line 58 – col. 5, line 26, and shown in Fig. 3 of Akioka, the data that the Examiner referred to as being overlaid (i.e., still image data, text data, etc.) is never overlaid on the Moving Picture Display Area. Rather it is displayed in the Still Picture Display Area. Akioka very clearly teaches away from any overlaying of input data atop a moving picture.

FIG. 3

	MOVING PICTURE DISPLAY AREA
FIRST LOW	O O O O O O O O O O O O
SECOND LOW	O O O O O O O O O O O O
THIRD LOW	O O O O O ⓐ ⓐ ⓐ ⓐ ⓐ ⓐ O
FOURTH LOW	O O O O O ⓑ ⓑ ⓑ ⓑ ⓑ ⓑ O
FIFTH LOW	O O O O O ⓒ ⓒ ⓒ ⓒ ⓒ ⓒ O
SIXTH LOW	O O O O O ⓓ ⓓ ⓓ ⓓ ⓓ ⓓ O
SEVENTH LOW	O O O O O O O O O O O O
EIGHT LOW	O O O O O O O O O O O O

53 — STILL PICTURE DISPLAY AREA

Reconsideration and withdrawal of the rejection of claims 1-2 and 4-23 is therefore respectfully requested.

ii) The Examiner rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Sullivan in view Jambhekar and Akioka, and further in view of U.S. Patent No. 5,642,350 ("Dailey"). In doing so the Examiner relies upon Dailey for providing a reference that discloses a peer-to-peer networking of remote devices. Applicant submits that in light of the presently requested amendments to Claim 1, and the arguments set forth above, Claims 1 and 2 are patentable over Sullivan, Jambhekar and Akioka. Claim 3 being dependant upon Claim 2 is therefore also considered to be patentable. The Applicant has not broadly claimed a peer-to-peer networking of remote devices, but rather only a peer-to-peer networking of remote display devices within the environment defined by Claims 1 and 2. This is clearly different from and patentable over Dailey. Reconsideration and withdrawal of the rejection of claim 3 is therefore respectfully requested.

iii) The Examiner rejected Claims 1, 2 and 4-23 under 35 U.S.C. § 103(a) as being unpatentable over Sullivan in view of Jambhekar, and further in view of U.S. Patent Application 2003/0117529 A1 ("De Haan"). With respect to the combination of Sullivan and Jambhekar, the Applicant maintains all of the arguments set forth in section (i) above, and agrees with the Examiner that neither reference (individually or combined) shows or suggests broadcast

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video and graphic data being simultaneously displayed. The Examiner relied upon De Haan to provide this aspect of the claimed invention.

The Applicant notes that De Haan fails to disclose or suggest the overlaying of **viewer- or user- generated** graphic data on broadcast. Instead De Haan is directed toward controlling the overlaying of a predetermined secondary video information upon a video image (see paragraph 0027). Examples of such predetermined information include subtitles, alternate languages, etc. Regardless of the source of the video image and overlay information (laser disc, CD-ROM, VCR ...), De Haan is very clear - Both the video image (also referred to as "basic information" by De Haan) and the overlay information are transmitted or recovered from an information carrier or source. Nothing in De Haan, or the multiple references that the Examiner has chosen to combine De Haan with, could reasonably be viewed as disclosing or suggesting the invention the Applicant presently claims. As presently amended, independent claims 1 and 11 respectively require "viewer generated" and "user" instructions and graphic data. De Haan teaches away from this, limiting the overlay to predetermined video information.

Applicant respectfully requests reconsideration and withdrawal of this rejection of claims 1-2 and 4-23.
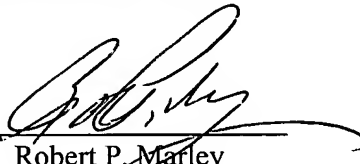
CONCLUSION

Having fully responded to the Office Action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Dated: August 2, 2005   Respectfully submitted,

By: _____

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